

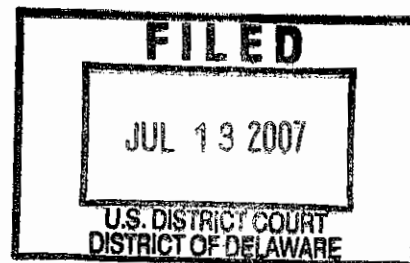
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THOMAS R. MILLER  
Plaintiff

Civ. Action No. 06-349-GMS

v.

DR. MAGGIE BAILEY, CMS, and  
FIRST CORRECTIONAL MEDICAL,  
INC.,  
Defendants.



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MOTION FOR DEFAULT JUDGEMENT  
AGAINST DEFENDANT, FIRST CORREC-  
TIONAL MEDICAL INC., RULE 55

Plaintiff now, enters motion for Default Judgement against defendant, First Correctional Medical Inc.; that the enclosed Motion for Default Judgement is being presented to this Honorable Court at the earliest possible convenience.

Thomas R. Miller  
Thomas R. Miller  
D.C.C.  
1181 Paddock Rd.  
SMyrna De 19977

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THOMAS R. MILLER  
Plaintiff,

Civ. Action No. 06-349 GMS

V.

DR. MAGGIE BAILEY CMS  
and FIRST CORRECTIONAL  
MEDICAL INC.,  
Defendant:

MOTION FOR DEFAULT JUDGEMENT

Comes now petitioner Thomas R. Miller and humbly moves this Honorable Court to enter default judgement in this case pursuant to Federal Rules of Civil Procedures, Rule 55(a).

The respondents in this case are in default for failure to answer or otherwise defend as required by law as of a Court order filed May 9, 2007 in accordance to Motion amend Complaint.

In Support of this Motion Petitioner assert the following:

1. The petitioner States Hon. Gregory Sleet issued Court order on May 9, 2007 pursuant to Supplemental Service order to Fed. R. Civ. P. 4(c)(2) and (d)(2), plaintiff has completed and returned to the Clerk of the Court an original "U.S. Marshall-285" form for all the defendants.

- (2) Petitioner claims the Court order dated May 9, 2007 stated within (60) days of order, This order will supplement the Courts December 14, 2006 and April 18, 2007 Service orders (D.I 12, R1), of receipt of the petition and the order in accordance with the Supplemental Service order respondents shall respond.
- (3) Petitioner claims it has been sixty (60) days and the respondents have failed or refused to respond as required by law.
- (4) Petitioner claims the respondents haven't filed for an extension of time to file an answer therefore petitioner request this Honorable Court to strike any out of time answers filed by respondents.
- (5) Petitioner claims he is entitle to a default judgement by law according to Civ. R. 55(a), due to the respondents failure to respond and answer to the Amended Complaint.
- (6)

### Conclusion

Wherefore Petitioner prays this Honorable Court to grant this Motion and issue a default judgement against the respondents.

July 10, 2007

Notary

Osman Sammander

**OSMAN SAMMANDER**  
Notary Public  
State of Delaware  
My Comm. Expires June 14 2008

Thomas R. Miller  
Thomas R. Miller  
D.C.C.  
1181 Paddock Rd.  
Smyrna De 39077

## Certificate of Service

I, Thomas R. Miller, hereby certify that I have served a true and correct copies of the attached: Motion For Default Judgment CIV. Action No. 06-349-GMS upon the following parties/person(s):

TO: Honorable Gregory Sleet  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, Delaware 19801-3570

TO: FIRST CORRECTIONAL Medical  
6861 North Oracle Rd  
Tucson, Arizona 85704

TO: James E. Drnec, Esquire #37899  
711 King Street  
Wilmington, Delaware 19801  
302.658.4265  
Attorneys for Defendant CMS

Date: 7-10-07

I/M Thomas R. Miller  
SBI# 144108 UNIT 23 B-L-4  
DELAWARE CORRECTIONAL CENT<sup>RE</sup>  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

WILMINGTON DE 197

12 JUL 2007



TO: Honorable Gregory. Stept  
United States District Court  
844 N. King Street Lockbox 18  
Wilmington, Delaware  
19801-3570

19801+3513 0012

United States Postal Mail